THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 8518 OF 2000

Dated 27th June, 2007

Between:

A.Savithri

…Petitioner

And

The District Collector (PR), Mahaboobnagar,
Mahaboobnagar District and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks issuance of a writ of mandamus to declare the action of the respondents in trying to lay the road in the land of the petitioner affecting an extent of 20 guntas of land in Survey No.570 A& B situated in Itkyala village and Mandal, Mahaboobnagar District as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is the owner of the land to an extent of 20 guntas covered by Survey No.570-A of Itkyala village. It is stated that the petitioner also filed a copy of the pattadar pass book, which shows that he is the owner and possessor of the land.

It is the grievance of the petitioner that though the aforesaid land is not notified under the provisions of the Land Acquisition Act for being used for any public purpose, but, however, the respondents are high-handedly and illegally trying to lay the road from the said land.

Even after service of notice, as there was no counter affidavit filed by the respondents, this court granted interim order as early as on 20.7.2000. Even now, no counter affidavit is filed.

As much as it is pleaded that the land in question is a private patta land and to that effect entries are also made in the revenue records including the pattadar passbook, I dispose of the writ petition with a direction to the respondents not to dispossess and deprive the petitioner of his property admeasuring 20 guntas of land covered by Survey No.570 A&B situated at Itkayala village and Mandal, Mahaboobnagar District, as otherwise than by due process of law.

However, it is made clear that if the petitioner is in encroachment of the land or if the said property is required for any public purpose, it is open for the respondents to take steps in accordance with law

Subject to above directions, the writ petition is disposed of. No costs.

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27-6-2007

R.SUBHASH REDDY, J.

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